

and as the gentleman from Florida (Mr. MILLER) talked about earlier today, Mexico unfortunately is setting itself up as a safe harbor for murders and capital criminals that commit crimes in the United States. Mr. Del Toro is an American citizen who killed another American citizen on American soil. Mexico has no business holding on to him any longer.

Mr. Speaker, this is not an isolated case. We find this an obstacle in our efforts to stop violence, money laundering, and drug trafficking across our borders, and the extradition treaty becomes an obstacle to justice in those areas as well. I am proud as a representative from Texas to share a common border with Mexico, and we share many commonalities, but we ought to respect each other's criminal justice system enough to allow the laws and the justice of each country to prevail.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER).

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I thank the distinguished chairman of the Committee on International Relations for yielding me this time. I rise in support of this resolution.

I will say that I am a little concerned about the prospect of our engaging in the idea of singling out one country, but I will say that in light of that, it is important for us to recognize that this has happened in other instances in other countries, and it is a problem, it is a very serious problem.

As has been said by several of my colleagues, I just heard the gentleman from Texas (Mr. BRADY) say that this is not an isolated case; there are several instances. I know that the gentleman from Florida (Mr. Miller), with whom I have been privileged to work on this issue for quite a while, did raise the southern California incident of David Spooky Alvarez where we had small children murdered, and again, he fled across the border, and it has been a long and very difficult, painful struggle for many people in southern California.

So we have had instances, as was said in Florida and Texas and other places, and there are other countries too that have been difficult to work with on this.

□ 1830

But I would just like to say that I believe that this resolution is in order, and it is a very appropriate thing for us to pursue.

Mr. GILMAN. Mr. Speaker, I want to thank the vice chairman of the Committee on Rules, the gentleman from California (Mr. DREIER) for his supportive remarks with regard to this measure.

Mr. DAVIS of Florida. Mr. Speaker, I rise in support of H. Res. 381 expressing the sense of the Congress that the President should renegotiate the Extradition Treaty with Mexico so that the possibility of punishment by the

death penalty does not interfere with the timely extradition of criminal suspects from Mexico to the United States.

At this time, I would like to commend my fellow Floridian, Mr. MILLER, for introducing this legislation. As you have all heard, this legislation was introduced after the brutal murder of a mother in Sarasota, Florida. The evidence in this case immediately led to the accusation of Jose Luis Del Toro, a citizen of the United States from Texas. However, when the warrant was issued, Del Toro had already illegally fled the country into Mexico.

Mexican officials captured Del Toro and should have extradited him to Florida immediately to stand trial for the murder of Ms. Bellush. Under the Treaty with the United States, however, they do not have to return individuals, even those who enter their country illegally like Del Toro, when capital punishment remains a possibility.

This case should be of concern to those of us who represent border states. Easy access to Mexico provides the potential of enticing even more criminals to flee the United States in an attempt to avoid punishment for the crimes they commit.

Mr. Chairman, the most disturbing point about this case is that it tarnishes the integrity of our criminal justice system. At a time, when there is a backlog of court cases and our prosecutors are already overloaded, this case has resulted in the unnecessary delay in what prosecutors believe would have been an open and shut case. In addition, our current treaty allows foreign countries to flagrantly disregard the laws of a state because it does not agree with the punishment provided in that state. I was appalled to learn that the United States actually allows Mexico to interfere with our state judicial systems through the Extradition Treaty signed in 1978.

Allowing Mexico the right to continue to deny extradition if the suspect in question is subject to the death penalty is wrong. Our states' laws must prevail in these cases, particularly in murder cases. I strongly encourage the President to renegotiate our Extradition Treaty with Mexico so that more criminals are not allowed to escape the laws of our states. I urge my colleagues to support H. Res. 381.

Mr. DREIER. Mr. Speaker, I rise to insert into the RECORD information compiled by the Congressional Research Service illustrating that many of the United States' bilateral prisoner extradition treaties include this same exception for fugitives who face the death penalty in the United States.

CONGRESSIONAL RESEARCH SERVICE,

LIBRARY OF CONGRESS,

Washington, DC, March 19, 1998.

To: Honorable David Dreier; Attention: Brian Faughnan.

From: Larry M. Eig, Legislative Attorney, American Law Division.

Subject: Capital Punishment Provisions in Extradition Treaties.

We are sending this memorandum in response to a March 12, 1998, telephone conversation with Brian Faughnan of your staff.

The United States is party to over 100 bilateral extradition treaties.¹ Except for our extradition treaty with Venezuela, those extradition treaties that were signed before 1960 were silent on capital punishment. However, as more countries have barred capital punishment,² there has been a concomitant

trend toward including capital punishment restrictions in new extradition agreements.³ Except for recently negotiated agreements with certain eastern Caribbean nations⁴—none of which appears to have barred the death penalty under its domestic law—the inclusion of capital punishment restrictions has become standard. We have yet to find a restricted treaty that has been replaced by an unrestricted agreement.

Treaties that include death penalty restrictions⁵ include agreements with the following: Argentina; Australia; Bahamas; Belgium; Bolivia; Brazil; Canada; Colombia; Denmark; Finland; Hong Kong; Hungary; Ireland; Israel; Italy; Malaysia; Mexico; Netherlands; New Zealand; Norway; Paraguay; Philippines; Spain; Sweden; Switzerland; United Kingdom; and Uruguay.

We have not exhaustively examined each of our extradition treaties, and the foregoing list is illustrative only. Other extradition treaties also may contain death penalty restrictions. Also, the authorities of a requested State potentially may refuse extradition on humanitarian or similar grounds even absent any specific treaty provision. Finally, there are many countries with which we have no extradition treaty, and those countries are not under any obligation to extradite an individual to the U.S. under any circumstances.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 381.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to instruct conferees and then on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: Instructing conferees on H.R. 4103, de novo; Instructing conferees on

1997), retrieved March 17, 1998, through <www.amnesty.org>.

³Not all treaties with death penalty restrictions are with countries that bar capital punishment. For example, our recent treaty with Malaysia has a death penalty restriction even though both Malaysia and the United States retain the death penalty.

⁴These countries include Barbados, Trinidad and Tobago, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Dominica, and Antigua and Barbuda.

⁵Capital punishment provisions in extradition treaties do not outright bar extradition for capital offenses from countries without the death penalty. Instead, the provisions generally authorize the requested State to withhold extradition for an offense that is not punishable by death under its domestic law until the requesting State gives adequate assurances that the death penalty will not be imposed and executed if extradition proceeds.

¹See 18 U.S.C. §3181 note.

²Amnesty International, *The Death Penalty: List of Abolitionist and Retentionist Countries* (August

H.R. 4328, de novo; Instructing conferees on H.R. 4194, de novo; House Joint Resolution 117, by the yeas and nays; Senate 2073, by the yeas and nays; and H.R. 4382, by the yeas and nays.

Without objection, the Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4103, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. The pending business is the question de novo of agreeing to the motion to instruct conferees on H.R. 4103.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Without objection, this 15-minute vote on the motion to instruct will be followed by a 5-minute vote on a motion to permit closed meetings of the conference, without prejudice to the authority for further 5-minute votes in this series.

There was no objection.

The vote was taken by electronic device, and there were—yeas 348, nays 61, not voting 25, as follows:

[Roll No. 431]

YEAS—348

Ackerman	Boyd	Cummings
Aderholt	Brown (CA)	Cunningham
Allen	Brown (FL)	Danner
Andrews	Brown (OH)	Davis (FL)
Archer	Bryant	Davis (IL)
Armey	Bunning	DeFazio
Baesler	Burr	DeGette
Baker	Burton	DeLauro
Baldacci	Calvert	Deutsch
Ballenger	Camp	Dietsch
Barcia	Campbell	Diaz-Balart
Barrett (NE)	Canady	Dicks
Barrett (WI)	Cannon	Dingell
Barton	Capps	Dixon
Bass	Cardin	Doggett
Becerra	Carson	Dooley
Bentsen	Castle	Doolittle
Bereuter	Chabot	Doyle
Berman	Chenoweth	Dreier
Berry	Christensen	Duncan
Bilbray	Clay	Dunn
Bilirakis	Clyburn	Edwards
Bishop	Coburn	Ehlers
Blagojevich	Combest	Ehrlich
Bliley	Condit	Emerson
Blumenauer	Conyers	English
Blunt	Cook	Ensign
Boehlert	Cooksey	Eshoo
Boehner	Costello	Etheridge
Bonilla	Cox	Evans
Bonior	Coyne	Everett
Bono	Cramer	Ewing
Boswell	Crane	Farr
Boucher	Crapo	Fawell

Fazio	Levin	Roemer
Filner	Lewis (CA)	Rogan
Foley	Lewis (KY)	Rohrabacher
Forbes	Linder	Ros-Lehtinen
Ford	Lipinski	Rothman
Fowler	Livingston	Roukema
Fox	LoBiondo	Roybal-Allard
Frank (MA)	Lofgren	Royce
Franks (NJ)	Lowey	Rush
Frelinghuysen	Lucas	Sabo
Furse	Luther	Salmon
Gallegly	Maloney (CT)	Sanchez
Ganske	Maloney (NY)	Sanders
Gejdenson	Manzullo	Sandlin
Gephardt	Markey	Sanford
Gilchrest	Martinez	Sawyer
Gillmor	Mascara	Saxton
Gilman	Matsui	Scarborough
Goodlatte	McCarthy (MO)	Schaefer, Dan
Graham	McCarthy (NY)	Schaffer, Bob
Granger	McCollum	Scott
Green	McCrery	Sensenbrenner
Greenwood	McDermott	Serrano
Gutierrez	McGovern	Sessions
Gutknecht	McHale	Shadegg
Hall (OH)	McInnis	Shaw
Hall (TX)	McIntosh	Shays
Hamilton	McKeon	Sherman
Hansen	McKinney	Shimkus
Hastings (FL)	McNulty	Shuster
Hastings (WA)	Meehan	Skaggs
Hayworth	Meek (FL)	Skeen
Hefley	Menendez	Smith (MI)
Hefner	Metcalf	Smith (NJ)
Herger	Mica	Smith (OR)
Hill	Millender-McDonald	Smith (TX)
Hilleary	Miller (CA)	Smith, Adam
Hilliard	Miller (FL)	Snowbarger
Hinchey	Minge	Snyder
Hobson	Moakley	Solomon
Hoekstra	Moran (KS)	Souder
Hoolley	Moran (VA)	Spence
Horn	Morella	Spratt
Houghton	Myrick	Stabenow
Hoyer	Neal	Stark
Hulshof	Nethercutt	Stearns
Inglis	Neumann	Stenholm
Istook	Ney	Stokes
Jackson (IL)	Northup	Strickland
Jackson-Lee (TX)	Nussle	Stupak
Jefferson	Obey	Sununu
Jenkins	Olver	Talent
John	Ortiz	Tanner
Johnson (CT)	Oxley	Tauscher
Johnson (WI)	Packard	Thomas
Johnson, E. B.	Pallone	Thompson
Jones	Pappas	Thurman
Kaptur	Parker	Tiahrt
Kasich	Pascrell	Tierney
Kelly	Pastor	Trafigant
Kennedy (MA)	Paul	Turner
Kennedy (RI)	Paxon	Upton
Kennelly	Payne	Vento
Kildee	Pelosi	Walsh
Kilpatrick	Peterson (MN)	Wamp
Kim	Peterson (PA)	Waters
Kind (WI)	Petri	Watkins
Kingston	Pickering	Watt (NC)
Kleczka	Pickett	Watts (OK)
Klug	Pitts	Waxman
Knollenberg	Pombo	Weldon (PA)
Kolbe	Pomeroy	Weller
Kucinich	Porter	Wexler
LaFalce	Portman	Weygand
Lampson	Price (NC)	White
Lantos	Quinn	Whitfield
Largent	Rahall	Wilson
Latham	Ramstad	Wise
LaTourette	Rangel	Wolf
Lazio	Redmond	Woolsey
Leach	Regula	Yates
Lee	Rivers	Young (FL)

NAYS—61

Abercrombie	Cubin	Hostettler
Bachus	Deal	Hunter
Barr	Dickey	Hutchinson
Bartlett	Fattah	Hyde
Bateman	Fossella	Johnson, Sam
Borski	Frost	Kanjorski
Brady (PA)	Gekas	King (NY)
Brady (TX)	Gibbons	Klink
Buyer	Goode	LaHood
Callahan	Goodling	McHugh
Chambliss	Gordon	Mink
Clement	Hastert	Mollohan
Coble	Hinojosa	Murtha
Collins	Holden	Norwood

Oberstar	Sisisky	Thune
Pease	Skelton	Visclosky
Radanovich	Slaughter	Weldon (FL)
Reyes	Stump	Wicker
Rodriguez	Taylor (MS)	Young (AK)
Rogers	Taylor (NC)	
Ryun	Thornberry	

NOT VOTING—25

Clayton	McDade	Schumer
Davis (VA)	McIntyre	Smith, Linda
DeLay	Meeks (NY)	Tauzin
Engel	Nadler	Torres
Gonzalez	Owens	Towns
Goss	Poshard	Velazquez
Harman	Pryce (OH)	Wynn
Lewis (GA)	Riggs	
Manton	Riley	

□ 1954

Messrs. YOUNG of Alaska, HOLDEN, BRADY of Texas, HUNTER, ABERCROMBIE, MOLLOHAN and Mrs. MINK of Hawaii changed their vote from "yea" to "nay."

Messrs. LINDER, BURR of North Carolina, PICKERING, SCARBOROUGH, SMITH of Michigan, ADERHOLT, EVERETT, BONILLA, Mrs. MYRICK and Mrs. CHENOWETH changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RILEY. Mr. Speaker, I was unavoidably detained and was not present for rollcall No. 431, a motion to instruct conferees to the fiscal year 1999 DOD appropriations bill. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. YOUNG of Florida, MCDADE, LEWIS of California, SKEEN, HOBSON, BONILLA, NETHERCUTT, ISTOOK, CUNNINGHAM, LIVINGSTON, MURTHA, DICKS, HEFNER, SABO, DIXON, VISCLOSKEY and OBEY.

There was no objection.

RECEPTION FOR RETIRING MEMBERS

(Mr. LAHOOD asked and was given permission to address the House for 1 minute.)

Mr. LAHOOD. Mr. Speaker, immediately following this series of votes, there is a reception for all retiring Members in Statuary Hall, and I hope that all Members will come over there and join us in saluting our retiring Members. Please join us over there.

REPORT ON H.R. 4569, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1999

Mr. CALLAHAN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 105-719) on the bill (H.R. 4569) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the Union Calendar and ordered to be printed.